IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO. 597 OF 2005

Bhaurao Vishwanath Bongirwar vs. Nilkanth Konduji Kadu & Ors.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
AUGUST 04, 2007.

Heard Shri Badiye, learned counsel for the appellant – original plaintiff.

The challenge is to the concurrent judgments delivered by the Courts below dismissing his suit for declaration and injunction that courtyard was owned and possessed by him and no public road passes through it.

After appreciation of evidence, the Courts below have concurrently delivered a finding that the land does not belong to present appellant and it is a public road. It has also been recorded that the appellant was a Sarpanch and he unauthorisedly constructed a wall without permission of Gram Panchayat.

Shri Badiye, learned counsel states

that the wall is now demolished because of orders passed by the Tahsildar.

The judgments further show that the appellant could not produce on record any documentary evidence to show that the land belongs to him or to his forefather.

In these circumstances, it is apparent that this finding is a finding of fact concurrently arrived at and it has not been demonstrated to be perverse. No substantial question of law arises in this Second Appeal. The same is dismissed. No order as to costs.

JUDGE

*GS.